

## **REMARKS/ARGUMENTS**

Claims 31, 34, 35, 37, 38 and 39 have been amended to more particularly point out and distinctly claim the present invention.

Claims 40 and 41 have also been added to more particularly point out and distinctly claim the present invention.

Claims 27-29, 30, 32, 33 and 36 have been canceled.

Claims 31, 34, 35, 37, 38, 39, 40 and 41, therefore, remain pending and under consideration.

No new subject matter has been added.

No fees are considered due at this time, however, if a deficiency occurs, please charge our deposit account number 04-1420 to maintain pendency.

### **Rejection of Claims 34-39 under 35 U.S.C. 112, First Paragraph**

Claims 34-39 have been rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for preventing inflammation.

Claim 36 has been canceled, thereby obviating the basis for this portion of the rejection.

Claims 34, 35 and 37 through 39 have been amended to remove the language "or preventing", thereby obviating the basis for this rejection.

Amendment of claims 34, 35 and 37 through 39 is not an acquiescence to the pending rejection but is done to expedite the prosecution of the pending application. Applicants may wish to present arguments and/or data at a later time, and reserve their right to pursue this additional patentable subject matter.

Reconsideration and withdrawal of the rejection is respectfully requested.

### **Rejection of Claims 27-33 under 35 U.S.C. 112, Second Paragraph**

Claims 27-33 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection for at least the following reasons.

Claims 27 through 30, 32 and 33 have been canceled, thereby obviating the basis for this rejection.

Claim 31 remains and has been amended to more particularly point out and distinctly claim

the invention.

The terms "ester, amide or prodrug" and "protecting group" are well known in the art and the skilled artisan would have the knowledge how to prepare esters, amides and prodrugs and protecting groups. The specification provides, for example, at page 21, lines 1 through 16, generally accepted terminology for esters, amides and pharmaceutically acceptable salts.

The term "protecting group" is well known the art and the specification provides, for example, at page 20, lines 4 through 23, suitable examples and procedures what one skilled in the art would consider protecting groups.

The term "prodrug" is described in the specification at page 21, line 18 through page 22, line 10, suitable examples and procedures which one skilled in the art would consider for selecting a prodrug.

Reconsideration and withdrawal of the pending rejection is respectfully requested.

Rejection of Claims 27-30 and 33 under 35 U.S.C. 102(b)

Claims 27-30 and 33 have been rejected under 35 U.S.C. 102(b), as being anticipated by Van Rollins, et al., as outlined in CA 101: 19194 for Journal of Biological Chemistry, (1984) 259(9), pages 5776-83.

Claims 27-30 have been canceled, thereby obviating the basis for this rejection.

Rejection of Claim 32 under 35 U.S.C. 102(b)

Claim 32 has been rejected under 35 U.S.C. 102(b), as being anticipated by Reynau et al., as outline in CA 119: 265901 for Analytical Biochemistry (1993)m 214(1) pp. 165-170.

Claim 32 has been canceled, thereby obviating the basis for this rejection.

Rejection of Claims 30 and 36 under 35 U.S.C. 102(b)

Claims 30 and 36 have been rejected under 35 U.S.C. 102(b), as being anticipated by Miller et al., Lipids, 24(12), pp. 998-1003 (1989).

Claims 30 and 36 have been canceled, thereby obviating the basis for this rejection.

### CONCLUSION

In view of the foregoing, Applicant submits that all pending claims distinguish over all references cited by the Examiner and respectfully requests that all rejections be withdrawn. The Examiner is invited to telephone the undersigned attorney for Applicant in the event that such communication is deemed to expedite prosecution of this application.

It is believed that no additional fees are due in connection with this communication. However, the Office is hereby authorized to charge any deficiency, or credit any overpayment to Deposit Account. No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP  
**Customer Number 25763**

By:

  
\_\_\_\_\_  
Scott D. Rothenberger  
Reg. No. 41,27  
Intellectual Property Department  
Suite 1500, 50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-8819

Date: December 17, 2004